

Office Action Summary

Application No.

09/682,655

Applicant(s)

SHMULEVICH ET AL.

Examiner

ANDREW GOLDBERG

Art Unit

2449

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☒ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: 26 August 2010
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to the application filed on 02 October, 2001.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 April, 2010 has been entered.

Examiners Note

2. The examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Claim Objections

3. Claims 26-45 are objected to because of the following informalities:
 - a. The limitation "service/device-specific templates" could be construed as ("service-specific templates" OR "device-specific templates") or ("service-specific templates" AND "device-specific templates"). Although the examiner believes that

applicant wishes for the template to relate to both the service AND the device, clarity to the claim language is required.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 26, 35 and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

b. Regarding claims 26, 35 and 40, the examiner does not understand from the claim language how the building blocks are created from the set of name-value pairs. This is because the claim language merely states, "based on the set of the name-value pairs" but does not indicate how said building occurs. The preceding may constitute a claim scope broader than what is disclosed in the instant specification. The examiner will interpret the claim limitation as the building blocks are selected based on the name-value pairs in the XML file(s). Further, note that a "set" can constitute "all" of the name-value pairs.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 26-45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

c. Regarding claims 26, 35 and 40, the examiner cannot ascertain what "wherein the master template is not used to *directly* convert..." means. The term "direct" is a relative term which renders the claim indefinite or unclear. The term "direct" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The master template aids (at least in some way) in the conversion of the XML to a particular markup language, and therefore the examiner will interpret any degree of separation to read on the claim limitation. In an interview of 26 August, 2010, applicant indicated that the term "direct" could be removed from the claim limitation to prevent any 112 issues. Therefore, the examiner believes that the term "directly" holds no patentable weight to the instant invention.

d. Regarding claims 34, 39, and 45, during an interview on 26, August 2010, applicant indicated that the modified value is the "label" of the name-value pair and not the "name" (which would imply changing the name in the name-value pair combination). The examiner does not understand the utility for changing a label for a name-value pair. Is the purpose for modifying the label organizational? Does the conversion to a specific device template depend on said label modification?

The examiner does not believe that changing the label has much (if any) true functional utility to the instant invention.

Claim Rejections - 35 USC 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 26-45** are rejected under 35 USC 103 (a) as being unpatentable over Charisius et al., Patent No.: US 7051316 B2, hereby **Charisius**, in view of **Richard**, Pub. No.: US 2002/0073119 A1.

Regarding **claim 26**, **Charisius** discloses, "receiving or retrieving unformatted data from the storage device (col. 43, lines 57-67-col. 44 lines 1-40, XML data is being retrieved to be modified), wherein the unformatted data corresponds to a specific data service (col. 23, lines 54-57, note that the EJBs are being created in the development environment (IDE). The EJBs provide remote services and the XML editor may edit the descriptor (which comprises XML data as described in col. 4, lines 5-10) for a particular service);

examining the unformatted data to identify name-value pairs which are present in the unformatted data (col. 44, lines 25-45, programmer may edit name-value pairs name-value pairs located on lines 29-35; fig. 52);

presenting the name-value pairs to a user via the user interface (fig. 52);

retaining a set of the name-value pairs based on user input received via the user interface (col. 44, lines 42-65, note that all name-value pairs in the descriptor may be retained. In other words, "a set" could be ALL of the name-value pairs; col. 45, lines 22-28, no change to XML descriptor);

based on the set of the name-value pairs, selecting building blocks from a master template...for which the building blocks are defined in the master template, wherein each building block defines formatting for a particular type of name-value pair (col. 21, lines 35-61; col. 22, lines 24-36, template for language. Note that the master template is created and that the building blocks are selected based on the particular data in the descriptor as defined by the language construct; col. 4, lines 5-10, the descriptor is the basis for EJB; col. 44, lines 15-45); and

assembling the building blocks selected from the master template (col. 22, lines 24-36, paste template into file, this new file in combination with the selected template library is the master template)...wherein the master template is not used to directly convert the unformatted data to a particular markup language (Note that there is no evidence in Charisius that this occurs)."

Charisius does not explicitly disclose that the building blocks are selected from the master template, "...into service/device-specific templates, wherein each of the service/device-specific templates is specific to a corresponding device or a device type

and to the specific data service associated with the unformatted data.” That is, it does not appear that the templates of Charisius are formatted or converted to be compatible with multiple different media devices such as mobile phones, desktop computers, etc.

However, regarding claim 26, Richard discloses the concept of converting content into HTML or WML format depending on which device is receiving the data (par. 0017; par. 0107; figure 1 and 2 show the conversion processor).

Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of transforming or creating templates geared toward particular devices as taught in Richard, to improve the Integrated Development System of Charisius for the predictable result of creating applications tailored toward particular device types. ***KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007).**

Regarding claim 27, Charisius as modified by Richard disclose, “utilizing the service/device-specific templates to create markup language files for corresponding devices” (Richard, par. 0017; par. 0107; figure 1 and 2 show the conversion processor).

Regarding claim 28, Charisius as modified by Richard disclose, “utilizing the markup language files to accommodate the specific data service on the corresponding devices” (Charisius, col. 4, lines 5-10, inherent of descriptor).

Regarding claim 29, Charisius as modified by Richard disclose, “wherein the master template defines predetermined style for displaying data on physical devices”

(Charisius, col. 22, lines 30-36, developer may add style related content to the template).

Regarding claim 30, Charisius as modified by Richard disclose, "wherein the master template is one of a plurality of master templates, each defining a different style for displaying data on physical devices" (Charisius, col. 22, lines 30-36, developer may add style related content to the template and therefore may have a different style for each template if so choosing; col. 21, lines 48-61, programmers can choose different template classes).

Regarding claim 31, Charisius as modified by Richard disclose, "prompting the user to select one of the plurality of master templates according to which the service/device-specific templates are generated" (Charisius, col. 21, lines 58-61; col. 22, lines 24-36, paste template into file, this new file in combination with the selected template library is the master template).

Regarding claim 32, Charisius as modified by Richard disclose, "wherein the service/device-specific templates are generated automatically upon completion of the master template" (Richard, par. 0035; par. 0091).

Regarding claim 33, Charisius as modified by Richard disclose, "wherein the service/device-specific templates are generated as needed to accommodate the specific

data service or a new data service" (Richard, par. 0035; par. 0091, note that the examiner is interpreting the claim limitation the same as claim 32).

Regarding claim 34, Charisius as modified by Richard disclose, "presenting the user with a name for each of the set of the name-value pairs; and allowing the user to accept or modify the name via the user interface" (Charisius, fig. 52; col. 44, lines 15-67).

Regarding claim 35, Charisius discloses, "examining unformatted data received or retrieved from a storage device to identify name-value pairs which are present in the unformatted data (col. 44, lines 25-45, programmer may edit name-value pairs name-value pairs located on lines 29-35; fig. 52), wherein the unformatted data corresponds to a specific data service (col. 23, lines 54-57, note that the EJBs are being created in the development environment (IDE). The EJBs provide remote services and the XML editor may edit the descriptor (which comprises XML data as described in col. 4, lines 5-10) for a particular service);

presenting the name-value pairs to a user via a user interface (fig. 52);

retaining a set of the name-value pairs based on user input received via the user interface (col. 44, lines 42-65, note that all name-value pairs in the descriptor may be retained. In other words, "a set" could be ALL of the name-value pairs; col. 45, lines 22-28, no change to XML descriptor);

based on the set of the name-value pairs, selecting building blocks from a master template...for which the building blocks are defined in the master template, wherein each

building block defines formatting for a particular type of name- value pair (col. 21, lines 35-61; col. 22, lines 24-36, template for language. Note that the master template is created and that the building blocks are selected based on the particular data in the descriptor as defined by the language construct; col. 4, lines 5-10, the descriptor is the basis for EJB; col. 44, lines 15-45); and

assembling the building blocks selected from the master template (col. 22, lines 24-36, paste template into file, this new file in combination with the selected template library is the master template)...wherein the master template is not used to directly convert the unformatted data to a particular markup language (Note that there is no evidence in Charisius that this occurs)."

Charisius does not explicitly disclose that the building blocks are selected from the master template, "...into service/device-specific templates, wherein each of the service/device-specific templates is specific to a corresponding device or a device type and to the specific data service associated with the unformatted data." That is, it does not appear that the templates of Charisius are formatted or converted to be compatible with multiple different media devices such as mobile phones, desktop computers, etc.

However, regarding claim 35, Richard discloses the concept of converting content into HTML or WML format depending on which device is receiving the data (par. 0017; par. 0107; figure 1 and 2 show the conversion processor).

Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of transforming or creating templates geared toward particular devices as taught in Richard, to improve the Integrated Development System of Charisius for the

predictable result of creating applications tailored toward particular device types. ***KSR Int'l v. Teleflex Inc., 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007).***

Regarding claim 36, Charisius as modified by Richard disclose, "wherein the master template is one of a plurality of master templates, each defining a different style for displaying data on physical devices (Charisius, col. 22, lines 30-36, developer may add style related content to the template and therefore may have a different style for each template if so choosing; col. 21, lines 48-61, programmers can choose different template classes), and wherein the instructions are further translatable by the at least one processor to perform: prompting the user to select one of the plurality of master templates according to which the service/device-specific templates are generated (Charisius, col. 21, lines 58-61; col. 22, lines 24-36, paste template into file, this new file in combination with the selected template library is the master template)."

Regarding claim 37, Charisius as modified by Richard disclose, "wherein the service/device-specific templates are generated automatically upon completion of the master template" (Richard, par. 0035; par. 0091).

Regarding claim 38, Charisius as modified by Richard disclose, "wherein the service/device-specific templates are generated as needed to accommodate the specific data service or a new data service" (Richard, par. 0035; par. 0091).

Regarding claim 39, Charisius as modified by Richard disclose, "presenting the user with a name for each of the set of the name-value pairs; and allowing the user to accept or modify the name via the user interface" (col. 44, lines 25-45, programmer may edit name-value pairs name-value pairs located on lines 29-35; fig. 52).

Regarding claim 40, Charisius discloses, "...examining unformatted data received or retrieved from a storage device to identify name-value pairs which are present in the unformatted data (col. 44, lines 25-45, programmer may edit name-value pairs name-value pairs located on lines 29-35; fig. 52), wherein the unformatted data corresponds to a specific data service (col. 23, lines 54-57, note that the EJBs are being created in the development environment (IDE). The EJBs provide remote services and the XML editor may edit the descriptor (which comprises XML data as described in col. 4, lines 5-10) for a particular service);

presenting the name-value pairs to a user via a user interface (fig. 52);

retaining a set of the name-value pairs based on user input received via the user interface (col. 44, lines 42-65, note that all name-value pairs in the descriptor may be retained. In other words, "a set" could be ALL of the name-value pairs; col. 45, lines 22-28, no change to XML descriptor);

based on the set of the name-value pairs, selecting building blocks from a master template...for which the building blocks are defined in the master template, wherein each building block defines formatting for a particular type of name- value pair (col. 21, lines 35-61; col. 22, lines 24-36, template for language. Note that the master template is created and that the building blocks are selected based on the particular data in the

descriptor as defined by the language construct; col. 4, lines 5-10, the descriptor is the basis for EJB; col. 44, lines 15-45); and

assembling the building blocks selected from the master template (col. 22, lines 24-36, paste template into file, this new file in combination with the selected template library is the master template)...wherein the master template is not used to directly convert the unformatted data to a particular markup language (Note that there is no evidence in Charisius that this occurs)."

Charisius does not explicitly disclose that the building blocks are selected from the master template, "...into service/device-specific templates, wherein each of the service/device-specific templates is specific to a corresponding device or a device type and to the specific data service associated with the unformatted data." That is, it does not appear that the templates of Charisius are formatted or converted to be compatible with multiple different media devices such as mobile phones, desktop computers, etc.

However, regarding claim 40, Richard discloses the concept of converting content into HTML or WML format depending on which device is receiving the data (par. 0017; par. 0107; figure 1 and 2 show the conversion processor).

Thus, it would have been obvious to one of ordinary skill in the art to apply the technique of transforming or creating templates geared toward particular devices as taught in Richard, to improve the Integrated Development System of Charisius for the predictable result of creating applications tailored toward particular device types. *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007).

Regarding **claim 41**, **Charisius** as modified by **Richard** disclose, "wherein the master template is one of a plurality of master templates, each defining a different style for displaying data on physical devices" (Charisius, col. 22, lines 30-36, developer may add style related content to the template).

Regarding **claim 42**, **Charisius** as modified by **Richard** disclose, "prompting the user to select one of the plurality of master templates according to which the service/device-specific templates are generated" (Charisius, col. 21, lines 58-61; col. 22, lines 24-36, paste template into file, this new file in combination with the selected template library is the master template).

Regarding **claim 43**, **Charisius** as modified by **Richard** disclose, "wherein the service/device-specific templates are generated automatically upon completion of the master template" (Richard, par. 0035; par. 0091).

Regarding **claim 44**, **Charisius** as modified by **Richard** disclose, "wherein the service/device-specific templates are generated as needed to accommodate the specific data service or a new data service" (Richard, par. 0035; par. 0091).

Regarding **claim 45**, **Charisius** as modified by **Richard** disclose, "presenting the user with a name for each of the set of the name-value pairs; and allowing the user to accept or modify the name via the user interface" (col. 44, lines 25-45, programmer may edit name-value pairs name-value pairs located on lines 29-35; fig. 52).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Goldberg whose telephone number is (571) 270-5441. The examiner can normally be reached on 9:30-3:30 EST Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ashok Patel can be reached on (571)-272-3972. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrew Goldberg
Examiner
Art Unit 2449

/Andrew Goldberg/
09/07/2010

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